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LETTER DATED 8 JULY 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In resolution 1172 (1998), adopted on 6 June 1998, the Security Council condemned the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998 and set out a number of steps to be taken by the two countries. The Council requested me to report urgently on the implementation of those steps by the two countries, while welcoming my own efforts to encourage them to enter into a dialogue.

Ever since India's 11 May tests, I have been in frequent contact with representatives of the Governments of India and Pakistan at the highest levels, as well as through other channels, including their Permanent Representatives to the United Nations, by letter, telephone and personally. In these contacts, I have expressed my acute concern at the alarming consequences of these tests and have urged both Governments to enter into a dialogue in order to reduce the increased tensions in the region. I have also appealed to both Governments to adhere, without conditions and without delay, to the Comprehensive Nuclear Test Ban Treaty and to consider freezing their nuclear weapons and missile development programmes. Furthermore, I have advised India and Pakistan of my readiness to support any efforts conducive to successful negotiations on nuclear non-proliferation and nuclear disarmament.

In the context of my ongoing efforts to encourage India and Pakistan to enter into dialogue, which were welcomed by the Council in paragraph 6 of resolution 1172 (1998), the Assistant Secretary-General for Political Affairs, Alvaro de Soto, travelled to the South Asian region on 24 June carrying letters to Heads of Governments, in order to raise with them, on my behalf, the above-expressed concerns, as well as the possibility that I might visit the region, at the appropriate time. He visited Bangladesh, where he met Prime Minister Sheikh Hasina, who had recently called on the Prime Ministers of India and Pakistan in New Delhi and Islamabad, and with the Minister for Foreign Affairs, Abdus Samad Azad. He subsequently conferred with Prime Minister Mohammed Nawaz Sharif of Pakistan as well as the Minister for Foreign Affairs, Gohar Ayub Khan. Finally, in Sri Lanka, host of the forthcoming summit of the South Asian Association for Regional Cooperation, he was received by the Minister for Foreign Affairs, Lakshman Kadirgamar. Regrettably, the Government of India did not find it possible to receive Mr. de Soto during his mission, which was concluded at the end of last week.

Mr. de Soto's contacts with regional leaders, while not as complete as would have been desirable, nevertheless confirmed my concern that the new situation which had emerged following the developments of May, compounding as it does the long-standing causes of friction between India and Pakistan, may have serious implications for peace and security in the region and beyond and therefore needs to be addressed in earnest. It is my intention, therefore, to continue my efforts with a view to encouraging the commencement of substantive talks between the two Governments at the earliest possible date. In this connection, I have been encouraged by indications from both sides of their readiness to enter into a dialogue addressing peace and security matters and causes of tension, including Kashmir.

In paragraph 15 of resolution 1172 (1998), the Security Council requested me to report urgently on the steps taken by India and Pakistan to implement that resolution. Immediately after the adoption of the resolution, in a press statement issued by the official spokesman of the Ministry of External Affairs of India on 6 June 1998 and in a statement to the Security Council by the Permanent Representative of Pakistan on the same date, both Governments expressed reservations about different aspects of the resolution. However, in subsequent communications and statements, both Governments have offered suggestions relevant to various provisions of resolution 1172 (1998). Specifically, the Prime Minister of India, Mr. Atal Behari Vajpayee, addressed a letter to me on 30 June 1998 drawing my attention to a "number of proposals" made by India. On 2 July, the Permanent Representative of Pakistan wrote to me setting out in an annex to his letter "Pakistan's position and proposals" (S/1998/605). Similar proposals were conveyed by the Acting Foreign Secretary of Pakistan to Mr. de Soto in Islamabad on 28 June. In addition, the following documents and statements are also relevant to the subject matter:

Letter from the representative of the Chair of the Nuclear Suppliers Group dated 29 June

Letter from the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization dated 26 June

Letter from the Chairman of the Zangger Committee dated 26 June

Letter from the Director General of the International Atomic Energy Agency dated 25 June

Pakistan's press statement of 11 June

Statement by India's Ministry of External Affairs of 5 June

Reply of the Prime Minister of India in discussion in Parliament on 29 May

Suo Moto statement by the Indian Prime Minister and paper presented to the Indian Parliament on 27 May

Letter from the Permanent Representative of Pakistan to the Secretary-General dated 2 July

For the purpose of the report requested by the Council, the proposals and positions expressed by the two Governments and other relevant information emerging from the above-mentioned sources can be summarized as follows:

In paragraph 3 of resolution 1172 (1998) the Security Council demanded that India and Pakistan refrain from further nuclear tests. Since the adoption of the resolution, both Governments have announced unilateral moratoriums. India has also stated its willingness to convert this moratorium into a de jure obligation. Pakistan, for its part, has indicated readiness to engage constructively with India and other members of the international community with the aim of formalizing the moratorium and reaching an agreement with India on a bilateral nuclear test ban or on a wider regional ban involving other countries in the region.

With reference to paragraph 4 of the resolution, frequent firing across the Line of Control in Jammu and Kashmir has continued, as has the irregular warfare in the area administered by India between militants and Indian security forces. During his visit to Islamabad, Mr. de Soto was advised that in recent months there had been a significant increase in the level of hostilities, reflected in a growing number of civilian casualties. In this connection, it can also be noted that in a letter which he addressed to me on 26 June 1998, the Permanent Representative of Pakistan referred to "the deteriorating security situation in South Asia, and particularly in Jammu and Kashmir".

In relation to paragraph 5 of the resolution, which calls on India and Pakistan to resume the dialogue between them on all outstanding issues, Prime Minister Vajpayee advised me, in his letter of 30 June 1998, of his Government's intention to pursue bilateral dialogue with Pakistan while rejecting any outside involvement as counter-productive. As for Pakistan, its Permanent Representative indicated to me in his letter, dated 2 July 1998, that his Government would be ready to "engage with India and the international community to promote a process, which in the first instance should accord priority to the avoidance of conflict, the promotion of nuclear and conventional restraint and stabilization between Pakistan and India, as well as the peaceful and just resolution of the core issue of Jammu and Kashmir".

Earlier, on 12 June 1998, the Government of India had extended an invitation to Pakistan to resume talks at the level of Foreign Secretaries in Delhi on 22 June 1998. On the same day, while rejecting India's offer on the grounds that the proposed agenda was not acceptable, Pakistan made a counter-offer for talks to resume in Islamabad on 20 June 1998. This proposal was not acceptable to India. Subsequently, on 23 June, the Prime Minister of Pakistan addressed a letter to the Prime Minister of India affirming his readiness to meet with him during the summit of the South Asian Association for Regional Cooperation at Colombo, Sri Lanka, at the end of July. It is my understanding, based on subsequent indications by representatives of both Governments, that such a meeting is likely to materialize.

In paragraph 7 of resolution 1172 (1998), the Council called on India and Pakistan immediately to stop their nuclear weapons programmes and specified a number of steps to that effect. In this regard, India indicated, in a statement issued by Prime Minister Atal Behari Vajpayee on 27 May 1998, that it would be

ready to enter into discussions with Pakistan and other countries on an agreement on the "no-first-use" of nuclear weapons.

In document S/1998/605, Pakistan recalled its proposal for a non-aggression agreement, on the basis of a just settlement of the Jammu and Kashmir dispute. It suggested that, "perhaps, as a first step, the two countries could (a) solemnly reaffirm their commitment to non-use of force as prescribed by the Charter of the United Nations; (b) undertake to create transparency in military preparations and (c) discuss further confidence-building measures, e.g. the creation of a 'risk reduction centre'." While adding that it had not "declared itself a 'Nuclear-Weapon State'", it indicated that it was prepared to enter into a bilateral and/or multilateral dialogue to evolve an agreement for the maintenance of strategic parity and stable deterrence between India and Pakistan, at an agreed level. It underlined that it would not accept a position of strategic inequality vis-à-vis India.

Pakistan also addressed the issue of a "conventional balance" between India and Pakistan, which it considers "a necessary complement for nuclear stabilization". It expressed interest in entering "into discussions bilaterally with India and/or together with the major powers to establish new confidence-building measures, 'command and control' and monitoring of implementation of confidence-building measures". It expected the international community, particularly the five permanent members of the Security Council, to persuade India to exercise restraint and to forego acquisition of sophisticated weapons systems which will further destabilize the situation.

On the issue of weaponization, Pakistan assumed that some weaponization had already occurred. It felt that the two countries should be encouraged to restrain their build-up of warheads to the minimum and refrain from deployment of missiles. It pointed out that it could "not accept a situation of inferiority in missile capabilities", but that it was prepared to discuss the issue of mutual restraint in the production and deployment of missiles.

Paragraph 7 of resolution 1172 (1998) also raised the issue of export policies. In this context, India has confirmed, in a statement issued by the Prime Minister on 27 May 1998, its commitment to continue to observe stringent export controls on nuclear and missile related technologies, as well as those relating to other weapons of mass destruction. For its part, Pakistan has declared that it has never and will not transfer sensitive technologies to other States or entities.

Regarding paragraph 13 of the resolution, India has reiterated its known position regarding the Treaty on the Non-Proliferation of Nuclear Weapons. It stated that India's becoming a nuclear-weapon State had been inevitable because the non-proliferation regime neither led to nuclear disarmament nor did it prevent proliferation in the region. It pointed out that it could not accept a flawed non-proliferation regime and appealed to the international community to join in re-examining the present international security regime, which remained committed to the complete elimination of all nuclear weapons. India also stressed that the regime must be comprehensive, universal and non-discriminatory and expressed support for the recent eight-nation declaration, "Towards a Nuclear-Weapon Free World: The Need for a New Agenda".

Pakistan has stated that, under the circumstances, it would have to rely on nuclear deterrence and stressed the importance of building comprehensive arrangements for peace and security with India, including a conventional arms balance and the resolution of the Kashmir dispute. It underlined, however, that it was in favour of nuclear disarmament and non-proliferation.

India has recalled that its decision not to subscribe to the Comprehensive Test Ban Treaty had been approved by its Parliament in 1996. Its perception then was that subscribing to the Comprehensive Test Ban Treaty would severely limit its nuclear potential to an unacceptably low level. Its reservations deepened as the Treaty did not prove to carry forward the nuclear disarmament process.

Pakistan has stressed that "its position on the Comprehensive Test Ban Treaty will be shaped by an assessment and analysis of its security requirements in the context of the nuclear and conventional threat posed by India".

Concerning paragraph 14 of resolution 1172 (1998), both States have reiterated their readiness to participate in negotiations on a convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

In the framework of the Conference on Disarmament, members of the Group of Twenty-One, to which India and Pakistan belong, have proposed that negotiations on the fissile material cut-off treaty should be one element of broader negotiations on "nuclear disarmament", for example in an ad hoc committee dealing with (a) a convention committing all States to the elimination of nuclear weapons; (b) negotiations on the programme for nuclear disarmament; and (c) a convention banning the production of fissile material for nuclear weapons or other explosive devices.

India has also called for a global and comprehensive approach working towards adopting a nuclear weapons convention in the shortest possible time.

Pakistan has stressed that a convention banning the production of fissile material for nuclear weapons or other explosive devices should only be discussed in the Conference on Disarmament and supports the approach of the Group of Twenty-One. It has also sought clarification from the five permanent members of the Security Council and those interested in the convention on whether India would enter the talks as a nuclear or non-nuclear-weapon State, bearing in mind that obligations for the two categories of States would differ.

It is noted that the Conference on Disarmament, which concluded the second part of its 1998 session on 25 June 1998, has not been able to move forward on the issue of a fissile material cut-off. Positions among States remain divided over the issue. Most Western and Eastern European States wish to seen an immediate commencement of negotiations on a fissile material cut-off treaty in the Conference on Disarmament. Non-aligned countries maintain that the issue could be dealt with within the framework of an ad hoc committee on nuclear disarmament.

(Signed) Kofi A. ANNAN